

STATEMENT OF SCOPE

Department of Commerce

Rule No. : Chapter Comm 72

Relating to : Abrasive Cleaning of Historic Buildings

1. Description of the objective of the rule.

The objective of the rule is to create requirements for the use of abrasive cleaning methods on the exterior of qualified historic buildings. The Department in consultation with the State Historical Society will establish rules for when the abrasive cleaning methods may be used on qualified historic buildings.

2. Description of existing policies relevant to the rule and of new policies proposed to be included in the rule and an analysis of policy alternatives.

Currently, the Department has no rules for the use of abrasive cleaners on the exterior of qualified historic buildings. In accordance with s. 101.1215, Stats., the Department is required to develop requirements for the use of abrasive cleaners on the exterior of qualified historic buildings, including both commercial buildings and one-and two-family dwellings.

The alternative of not developing rules may result in the risk that qualified historic buildings may be adversely affected by improper cleaning of the exterior surfaces.

3. Statutory authority for the rule.

Section 101.1215

4. Estimate of the amount of time that state employees will spend to develop the rule and of other resources necessary to develop the rule.

The Department estimates that it will take approximately 100 hours to develop these rules. This time includes meeting with an advisory council, researching and drafting the rule, and processing the rules from public hearing to adoption. The Department will assign existing staff to develop the rule. There are no other resources necessary to develop the rule.

5. Summary and preliminary comparison of any existing or proposed federal regulation that is intended to address the activities to be regulated by the rule.

An Internet-based search for “abrasive cleaning of exterior surfaces of historic buildings” in the *Code of Federal Regulations* identified the following existing federal regulations that address abrasive cleaning of historic buildings:

1. 36CFR67—Historic Preservation Certifications Pursuant to Sec. 48(g) and Sec. 170(h) of the Internal Revenue Code of 1986
2. 36CFR68—The Secretary of the Interior Standards for the Treatment of Historic Properties.
3. 36CFR800—Protection of Historic Properties

Under these existing federal regulations, chemical or physical treatments may be used on historic properties for preservation, rehabilitation, or restoration; however, the treatments used must be the gentlest means possible. Treatments that cause damage to historic materials are not to be used. The rules to be developed by the Department of Commerce, in conjunction with the State Historical Society, are not expected to supercede those federal requirements, so no comparison has been made to those requirements.

An Internet-based search for “abrasive cleaning of exterior surfaces of historic buildings” of the 2003 and 2004 issues of the *Federal Register* did not identify any proposed federal regulations that address abrasive cleaning of exterior surfaces of historic buildings.

Approved for publication in the Wisconsin Administrative Register at Madison, Wisconsin, this date: _____

DEPARTMENT OF COMMERCE

Cory L. Nettles, Secretary

Approved for implementation at Madison, Wisconsin, this date: _____

DEPARTMENT OF COMMERCE

Cory L. Nettles, Secretary